

IDAHO BOARD OF MORTICIANS
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 1/9/2018

BOARD MEMBERS PRESENT: Debbie C Mikesell - Chair
Craig L Geary
James R. Sommer

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Deputy Bureau Chief
Julie Eavenson, Admin. Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Dicsie Gullick, Management Assistant

OTHERS PRESENT: Eric English, Funeral Director

The meeting was called to order at 9:00 AM MST by Debbie C Mikesell.

APPROVAL OF MINUTES

Mr. Geary made a motion to approve the minutes of November 8, 2017. It was seconded by Mr. Sommer. Motion carried.

LEGISLATIVE UPDATE

Ms. Cory gave the legislative report and stated that the Legislature began yesterday. Also, during the State of the State Address the Governor specifically thanked the Boards and the members who serve on them.

This year the Board will be presenting proposed rules in response to HB120 that passed last year regarding inactive licenses. The proposed rule will be heard in the House Business Committee and Ms. Cory will be meeting with the Chair of the committee later this week.

There will be three more meetings with Legislators this week. All the Board of Morticians Board members attended their local meetings and there has been positive feedback from both Legislators and Board members regarding these meetings.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$49,793.07 as of December 31, 2017.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Ms. Peel presented case MOR-2017-2 to the Board. Mr. Sommer made a motion to approve the Bureau's recommendation and authorize closure in case MOR-2017-2. It was seconded by Mr. Geary. Motion carried.

Ms. Peel presented a request for termination of probation in case numbers MOR-2015-9 and MOR-2015-10. Mr. Geary made a motion to approve the Bureau's recommendation and terminate probation in cases MOR-2015-9 and MOR-2015-10. It was seconded by Mr. Sommer. Motion carried.

LEGISLATIVE INTERIM COMMITTEE UPDATE

Mr. Ellsworth stated that the Idaho Legislature has an Interim Committee that has been studying the use of Hearing Officers and is also looking at the Idaho Administrative Procedures Act. Draft legislation was presented at the Interim Committee's last meeting that would make substantial changes to Idaho Administrative Procedures Act and the way contested cases are handled. The Bureau submitted a letter to the Committee seeking clarification concerning some of the proposed changes prior to the Committee's meeting on October 2, 2017. As the Bureau receives additional information, it will be provided to the Board.

Ms. Cory said that in addition to the Interim Committee, Senator Burgoyne mentioned he may be bringing a bill before the Legislature regarding attorney fees and fines assessed by boards. Mr. Geary made a motion to have Ms. Mikesell be the contact person as more information becomes available regarding the interim committee and other bills that might affect the Board. It was seconded by Mr. Sommer. Motion carried.

BOARD TRAINING

Mr. Ellsworth presented training on Regulatory Governance.

OLD BUSINESS

To Do List – The Board reviewed the to do list and no action was taken.

DISCUSSION REGARDING REMOVAL TECHNICIAN LICENSE

The Board discussed removal technician licenses in other states and whether or not it was needed in Idaho. Mr. Geary will discuss the topic with the Idaho Funeral Service Association at its next meeting and Mr. Geary will discuss with Ms. Eavenson as part of the discussion regarding the Executive Order.

DISCUSSION OF EXECUTIVE ORDER REPORT

Ms. Eavenson outlined the Board's role in responding to the Lt. Governor's Executive Order. There is a template that will be used to complete each Board's response, and the template contains six sections:

- A. Index of Statute, Rule, and Policy Requirements for Licensure and Renewal
- B. Applications and Renewals Denied – 2017
- C. Disciplinary Actions – Past 5 Years
- D. Law, Rule, or Policy Changes or Proposed/Implemented Changes in Last 5 Years to Eliminate Barriers to Entry
- E. Assessment of Public Interest
- F. Recommendations for Improvement, Modification, or Elimination of Requirements

The Bureau will be responsible for gathering and entering all of the data in sections A, B and C of the template. The Bureau and each Board will jointly fill in section D regarding the Law, Rule or Policy Changes or Proposed/Implemented Changes in Last 5 Years to Eliminate Barriers to Entry. The Board Specialist and Administrative Support Manager will assist the designated Board member with writing sections E and F.

Ideas for the EO that come up between meetings cannot be shared among Board members outside of Board meetings, but may be forwarded to the Board Specialist or Administrative Support Manager for inclusion in the next meeting. Ideas shall not be shared among Board members outside of Board meetings.

The process will be completed in three meetings: 1) discussion, 2) review and approve a rough draft, and 3) review and approve a final draft. The final draft must be completed and approved by June 15, to meet the July 1, deadline for responding.

NEW BUSINESS

NEXT MEETING was scheduled for March 6, 2018 at 2:00 PM MST. An additional conference call was scheduled for May 23, 2018 at 2:00 PM MDT and the next face to face meeting was scheduled for July 18, 2018 at 9:00 AM MDT

ATTENDANCE AT THE CONFERENCE ANNUAL MEETING

Mr. Sommer made a motion to approve expenses for Mr. Geary to attend the Conference Annual Meeting in New Orleans on February 27, 2018-March 1, 2018. It was seconded by Mr. Geary. Motion passed.

PROPOSED LAW AND RULE CHANGES

The Board discussed proposed law and rule changes and no action was taken.

APPLICATION DRAFTS

The Board reviewed drafts of the following documents: Application for Certificate of Authority, Change of Sponsoring Supervisor Affidavit, Application for Funeral Director License, Funeral Director Resident Trainee Quarterly Report, Application for Mortician License, Mortician Resident Trainee Quarterly Report, and Application for Re-Examination. Mr. Geary made a motion to approve the drafts as written. It was seconded by Mr. Sommer. Motion carried.

CORRESPONDENCE

The Board discussed correspondence from the International Conference regarding the Annual Letter of Understanding. No action was taken.

The Board discussed correspondence from the International Conference regarding the State Board Examination Blueprint. No action was taken.

The Board discussed correspondence from the International Conference regarding continuing education credit for attendance at the Annual Meeting. Mr. Geary made a motion to approve continuing education credit for attendance at the Annual Meeting. It was seconded by Mr. Sommer. Motion carried.

The Board discussed correspondence from the International Conference regarding the Fall Newsletter. No action was taken.

EXECUTIVE SESSION

Mr. Geary made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Sommer. The vote was: Mr. Geary, aye; Mr. Sommer, aye; and Ms. Mikesell, aye. Motion carried.

Mr. Geary made a motion to come out of executive session. It was seconded by Mr. Sommer. The vote was: Mr. Geary, aye; Mr. Sommer, aye; and Ms. Mikesell, aye. Motion carried.

CORRESPONDENCE

The Board discussed correspondence from an applicant regarding the sale of a funeral establishment and when an inspection could take place. Mr. Geary made a motion to direct the Bureau to send a letter in response stating that the inspection will be conducted close to the closing date and the license can be valid the date of closing. It was seconded by Mr. Sommer. Motion carried.

The Board discussed correspondence from a licensee regarding a request for an exemption from continuing education requirements for his renewal this year. Mr. Geary made a motion to direct the Bureau to send a letter in response denying the petition for exemption of continuing education. It was seconded by Mr. Sommer. Motion carried.

APPLICATIONS

Mr. Geary made a motion to approve the following for exam:

JOHN EMIL JORGENSEN

MORA-1485

It was seconded by Mr. Sommer. Motion carried.

ADJOURNMENT

Mr. Geary made a motion to adjourn the meeting at 11:57AM MST. It was seconded by Mr. Sommer. Motion carried.

Debbie C Mikesell, Chair

Craig L Geary

James R. Sommer

Tana Cory, Bureau Chief